

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jason Charles PELLY et al.
U.S. Serial No.: Filed Concurrently Herewith
Title of Invention: APPARATUS FOR DETECTING AND RECOVERING
DATA


745 Fifth Avenue
New York, NY 10151

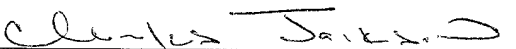
EXPRESS MAIL

Mailing Label Number: EV001579365US

Date of Deposit: December 6, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202


(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

PRELIMINARY AMENDMENT

U.S. Patent and Trademark Office
Box Patent Application
P.O. Box 2327, Arlington, VA 22202

Sir:

Before the issuance of the first Office Action, please amend the above-identified application as follows:

IN THE CLAIMS:

Amend claim 39 to read as follows:

39. (Amended) A computer program having computer executable instructions, which when loaded on to a data processor causes the data processor to perform the method according to claim 36.

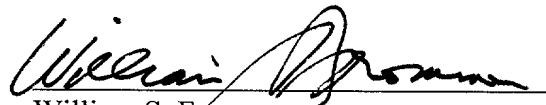
REMARKS

Claims 1-43 remain in the application. Claim 39 has been amended. Attached hereto is a marked up version of the change made to claim 39. The attached page is captioned **“Version with markings to show changes made.”** The filing fee has been calculated based upon this amendment to the claim.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By:



William S. Frommer
Reg. No. 25,506
Tel. (212) 588-0800

VERSION WITH MARKINGS TO SHOW CHANGES MADE**In the claims:**

39. (Amended) A computer program having computer executable instructions, which when loaded on to a data processor causes the data processor to perform the method according to claim

36 26.